IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.1186 OF 1998

Ganpat Rambhau Taye ..Petitioner
Vs.
Collector and Dist. Rehabilitation Officer & Ors. ..Respondents

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Mr.R.S.Apre, Adv. for Applicant/petitioner
Mr.R.M.Patne, A.G.P. for Respondent nos.1 to 3

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 8TH FEBRUARY, 2005.

P.C.

. The specific case of the petitioner, now represented by his legal heirs is that neither Section 4 Notification nor Section 6 declaration issued under the Land Acquisition Act, shows that the land in which the petitioner is interested namely Gat No.1086 is the subject matter of either of the notification or of the declaration. The land was sought to be acquired for re-habilitation of project affected persons displaced by Chas Kammam project.

2. The respondents have not filed any reply till date though the petition was admitted in 2000. Earlier the petitioner had filed a suit to restrain the respondents from interfering with the possession. That suit was withdrawn by the petitioner in view of the judgment of the Apex

Court. That judgment really would not have applied on the facts of the case. The present petition was filed.

3. Considering that in respect of Gat No.1086 there is no notification or declaration under the provisions of Land Acquisition Act, Respondents are directed not to interfere with the petitioner's possession.

. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)